

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)

v.)

DARREN F. WILDER)
_____)

Criminal No. 04-10217-GAO

JOINT REPORT UNDER RULE 116.5(A)

The parties hereby submit the following pursuant to Local Rule 116.5(A).

- (1) No relief from the time requirements imposed by Local Rule 116.3.
- (2) Each party requests discovery regarding expert witnesses. The parties propose that the United States will provide any additional expert discovery 30 days before trial and the Defendant will provide reciprocal discovery 21 days prior to trial.
- (3) It will be necessary for the parties to meet for a considerable time to review the physical evidence in this case including the results of the forensic computer analysis. Because the nature of the evidence precludes dissemination, defense counsel and his expert report needing substantial time to review the Government's computer evidence.
- (4) The Defendant intends to file a motion to suppress evidence seized pursuant to a search warrant. The Government has no objection to such motion being filed on or before October 29, 2004. The Government requests its response be due on November 19th, 2004.
- (5) The Parties request the Court exclude the period from October 26, 2004 through November 19th, 2004, (the proposed date for the Government's response to

Defendant's anticipated motion to suppress) from calculation under the Speedy Trial Act.

- (6) A trial appears to be likely at the present time. The Parties anticipate that a trial would last approximately 5 days.
- (7) At this time, the Parties do not believe the status conference currently scheduled for October 28, 2004 is necessary as a result of ongoing discovery and anticipated filing of a motion to suppress. Alternatively, the parties request the status conference be held by telephone. In addition, the Parties propose that the next status conference be scheduled after resolution of Defendant's motion to suppress.

The Parties submit that the status conference scheduled for October 28th, 2004 is not necessary given the issues set forth above.

Respectfully submitted,

DARREN F. WILDER
by his attorney

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